



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,386	01/22/2004	Hideaki Funakoshi	040894-5994	3093
9629 7590 06/04/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
PHAM, VAN T				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
06/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/761,386

**Applicant(s)**

FUNAKOSHI ET AL.

**Examiner**

VAN T. PHAM

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

*Allowable Subject Matter*

The indicated allowability of claims 1-4 and 7 are withdrawn in view of the newly discovered reference(s) to Nakamura Toshio and Haruguchi et al. Rejections based on the newly cited reference(s) follow.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-5 and 7 rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (JP 2002-298402).

Regarding claim 2, Nakamura discloses an optical pickup comprising:

a lens (see Fig 7, lens 26);

a fixing portion (see Fig. 8, relay board 29);

at least two pairs of wires (see Figs. 7 and 8, four wires 30);

attaching means (see Fig. 8, those black dots);

wherein the lens is resiliently supported in such a manner as to be displaceable by the at least two pairs of wires which are attached to the fixing portion by the attaching means (see Figs. 7 and 8);

the wires have the same length and are fixed to the lens at different distances from the attaching means (see Fig. 8, lengths L1, L2 and L3); and

the wires extend parallel to each other (see Figs. 7 and 8, four wires 30).

Regarding claim 3, discloses the optical pickup according to claim 2, wherein the wires are formed of the same material (see Figs. 7-8, which is inherent).

Regarding claim 4, discloses the optical pickup according to claim 2, further comprising:

a lens holder holding the lens (see Figs. 7-8, lens holder 27); and

a substrate secured to the lens holder (see Figs. 7 and 8, printed circuit board 33);

wherein the wires are soldered to the substrate (see Fig. 8, the black dots on the circuit board 33).

Regarding claim 7, see rejection above of claim 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (JP 2002-298402) in view of Haruguchi et al. (US 2003/0016597).

Regarding claim 1, Nakamura discloses an optical pickup comprising:

a lens holder holding a lens (see Figs. 7 and 8, lens holder 27);

a substrate secured to the lens holder (see Figs. 7 and 8, printed circuit board 33);

a fixing portion (Fig. 8, relay board 29);

two pairs of first and second wires, each pair being formed by one left wire and one right wire (see Figs. 7 and 8, four wires 30); and

attaching means (see Fig. 8, those black dots);

wherein the lens holder is resiliently supported in such a manner as to be displaceable by the two pairs first and second wires which are attached to the fixing portion by the attaching means (see Figs. 7 and 8); and

the first, and second wires have the same length and are formed of the same material, and are soldered to the substrate at different distances from the attaching means (see Fig. 8, lengths L1, L2 and L3); and

the first, and second wires extend parallel to each other (see Figs. 7 and 8, four wires 30).

However, Nakamura does not disclose three pair of wires, but two pair of wires are being formed by one left wire and one right wire which are the same length and are formed of the same material, and are soldered to the substrate at the different distances from the attaching means (see Figs. 7 and 8).

Haruguchi et al. discloses Fig. 4 three pair of wires (suspension wires 39) are being formed by one left wire and one right wire, wherein one ends of suspension wires 39 are bonded to substrate 37, and substrate 38 with a solder or the like (see [0064]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide three pair of wires in Nakamura as suggested by Haruguchi, the motivation being in order to be able to supply power to each of the focus coils and serially connected tracking coils (see Haruguchi [0065]).

#### ***Allowable Subject Matter***

Claims 5-6 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Cited references***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Optical pickup actuator (Choi US 2003/0198148).

Objective lens actuator for optical head (Matsui US 5,748,580).

Art Unit: 2627

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN T PHAM/  
Examiner, Art Unit 2627

/Wayne R. Young/  
Supervisory Patent Examiner, Art Unit 2627